

Department of Conservation  
Reasons for Amendments to Conflict of Interest Code

August 1, 2007

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The Department of Conservation (Department) is amending its conflict of interest code (Cal. Code Regs., title 14, § 1670) to bring it current with the existing organizational structure and the positions comprising the agency's workforce. These amendments reflect the Fair Political Practices Commission's interpretation of "making" or "participating in making" governmental decisions as including advising or making recommendations to the decision maker by conducting research or preparing reports, analyses, or opinions. (Cal. Code Regs., title 2, §§ 18702-18702.4.) The specific amendments are presented below, along with an explanation of each proposed change.

**Appendix A**

The Department is moving away from designating positions according to organizational structure and work units in favor of designating positions by classification and series names. This will reduce the need to make sweeping changes to the conflict of interest code based only on work unit name changes and reorganizations. This approach was previously adopted by the Division of Recycling and is reflected in the Department's current conflict of interest code. The Division of Oil, Gas, and Geothermal Resources has taken a similar approach in the current code. These proposed amendments apply the concept to the entire Department.

Executive

The disclosure category for the position title "Executive Officer, State Mining and Geology Board" is changed from disclosure category 3 to disclosure category 1 based on potential conflicts of interest associated with the duties of the position.

The position title "Senior Engineering Geologist, State Mining and Geology Board" is added. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure category 1 based on potential conflicts of interest associated with their duties.

The position title "Designation Coordinator" is deleted. This position title is no longer being used by the Department.

The position title "Equal Opportunity and Strategic Planning Officer" is amended to read "Equal Employment Opportunity Officer." That is the position title currently being used.

The position title "Administrative Assistant II" is added. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure category 1 based on potential conflicts of interest associated with their duties.

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Office of Mine Reclamation

All position titles listed by work unit names are deleted. The positions will be listed by classification or series names.

The text "All Staff Performing SMARA Compliance (Reporting and Compliance Unit)" is deleted. The positions will be listed by classification or series names.

The text "All employees in the following Office of Mine Reclamation classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure categories 1 or 3 based on potential conflicts of interest associated with their duties.

- Supervising Environmental Planner
- Environmental Program Manager
- Supervising Geologist
- Senior Biologist
- Senior Engineering Geologist
- Engineering Geologist
- Staff Services Manager
- Research Analyst
- Environmental Scientist
- Staff Services Analyst
- Executive Assistant
- Student Assistant

Legal Office

The position title "Senior Staff Counsel" is deleted. The positions will be listed by classification or series name.

The position title "Staff Counsel" is deleted. The positions are being moved to appear under the classification and series heading.

The text "All employees in the following Legal Office classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure categories 1 or 2 based on potential conflicts of interest associated with their duties.

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Staff Counsel III  
Staff Counsel  
Staff Services Manager  
Senior Legal Analyst  
Legal Analyst  
Legal Intern  
Administrative Assistant

Office of Governmental and Environmental Relations

A typographical error has been corrected by adding "al" to the word "Government" in the position title "Assistant Director, Office of Government and Environmental Affairs."

The text "All employees in the following Office of Governmental and Environmental Relations classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure category 1 based on potential conflicts of interest associated with their duties.

Environmental Scientist  
Associate Governmental Program Analyst  
Staff Services Analyst

Public Affairs Office

The office title "Public Information Office" is amended to read "Public Affairs Office." That is the name of the office currently being used.

The position title "Communications Director" is changed to "Assistant Director, Public Affairs Office." That is the position title currently being used.

The position title "Staff Services Analyst" is deleted. This position title is no longer being used by the Public Affairs Office.

The position title "Recycling Specialist" is deleted. The position is being moved to appear under the classification and series heading.

The text "All employees in the following Public Affairs Office classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making

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governmental decisions. The positions are assigned to disclosure category 1 based on potential conflicts of interest associated with their duties.

Information Officer  
Research Writer  
Recycling Specialist  
Associate Governmental Program Analyst

Division of Land Resource Protection

The position title "Associate Environmental Planner" is deleted. The position will be listed by classification or series name.

All position titles listed by work unit names are deleted. The positions will be listed by classification or series names.

The text "All employees in the following Division of Land Resource Protection classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure categories 1 or 6 based on potential conflicts of interest associated with their duties.

Environmental Program Manager  
Land and Water Use Scientist (Senior and above)  
Land and Water Use Scientist (Entry, Associate and Staff)  
Environmental Scientist  
Environmental Planner  
Research Analyst  
Associate Governmental Program Analyst

Division of Administration

The position title "Assistant Director, Administration" is changed to "Deputy Director, Division of Administration." That is the position title currently being used.

The position titles "Accounting Administrator," "Accounting Officer," "Budget Officer" and "Program Budget Specialist," " " are deleted. The positions will be listed by classification or series name.

The position title "Chief, Human Resources" is deleted. The position will be listed under the new heading of "Human Resources Office."

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The position title "Assistant Chief, Human Resources" is deleted. The position will be listed by classification or series name under the new heading of "Human Resources Office."

The position titles "Administrative Services Officer" and "Business Services Officer (Supervisor)" are deleted. The positions will be listed by classification or series name.

The text "All employees in the following Division of Administration classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure categories 1 or 2 based on potential conflicts of interest associated with their duties.

- Staff Services Manager
- Accounting Administrator
- Business Services Officer
- Accounting Officer
- Senior Accounting Officer
- Associate Administrative Analyst
- Associate Budget Analyst
- Associate Governmental Program Analyst
- Staff Services Analyst
- Business Services Assistant

Human Resources Office

The new heading "Human Resources Office" is added. A number of positions that are exclusive to this office are being added by these amendments.

The position title "Chief, Human Resources Office" is added. The position is assigned to disclosure category 1 based on potential conflicts of interest associated with its duties.

The text "All employees in the following Human Resources Office classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure categories 1 or 2 based on potential conflicts of interest associated with their duties.

- Staff Services Manager

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Training Officer  
Health and Safety Officer  
Associate Personnel Analyst  
Staff Services Analyst

Office of Technology Services

The disclosure category for the position title "Assistant Director, Office of Technology Services" is changed from 2 to 1 based on potential conflicts of interest associated with the duties of the position.

All position titles listed by work unit names are deleted. The positions will be listed by classification or series names.

The text "All employees in the following Office of Technology Services classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure category 2 based on potential conflicts of interest associated with their duties.

Data Processing Manager  
Research Program Specialist  
Information Systems Analyst (Associate and above)  
Systems Software Specialist  
Programmer Analyst  
Associate Governmental Program Analyst  
Staff Services Analyst

California Geological Survey

The position titles "Supervising Geologists," "Senior Geologist," and "Staff Services Manager" are deleted. The positions will be listed by classification or series name.

All position titles listed by work unit names are deleted. The positions will be listed by classification or series names.

The text "All employees in the following California Geological Survey classifications or series:" is added.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making

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governmental decisions. The positions are assigned to disclosure categories "1" or "2 and 3" based on potential conflicts of interest associated with their duties.

Supervising Geologist  
Supervising Engineering Geologist  
Senior Engineering Geologist  
Senior Geologist  
Senior Materials and Research Engineer  
Senior Civil Engineer  
Senior Seismologist  
Staff Services Manager  
Engineering Geologist  
Research Program Specialist  
Senior Librarian  
Research Analyst  
Associate Planner  
Associate Seismologist  
Senior Precision Electronics Specialist  
Associate Governmental Program Analyst  
Staff Services Analyst

Division of Oil, Gas and Geothermal Resources

The text "All employees in the following Division of Oil, Gas and Geothermal Resources classifications or series:" is added.

The position titles "Supervising Oil and Gas Engineers," "Senior Oil and Gas Engineers," and "Associate Oil and Gas Engineers," are changed from plural form to singular form and moved under the heading "All employees in the following Division of Oil, Gas and Geothermal Resources classifications or series:"

The disclosure categories for the position titles "Supervising Oil and Gas Engineer" and "Senior Oil and Gas Engineer" are changed from "2 and 4" to "1" based on potential conflicts of interest associated with the duties of the positions.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure category 4 based on potential conflicts of interest associated with their duties.

Energy and Mineral Resources Engineer  
Oil and Gas Technician  
Research Program Specialist  
Associate Governmental Program Analyst

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Staff Services Analyst  
Supervisor of Technical Publications

Division of Recycling

The word "Branch" is deleted from the position title "All Branch Managers and Supervisors." The current language may be interpreted as designating only "Branch Managers," and not other managers. This amendment clarifies that all managers and all supervisors within the Division of Recycling are designated.

The following position titles are added. The positions are being listed by classification or series names. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure category 5 based on potential conflicts of interest associated with their duties.

Staff Services Manager  
Research Manager

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